

REMARKS**Status of the Claims**

Claim 1 has been amended to recite that the apparent density of the rigid layer is less than 0.15 g/cm³, and the apparent density of the bulky layer is less than 0.08 g/cm³. Support for this amendment can be found, for example, in claim 2 as originally filed, and page 12, lines 3-2 from the bottom of the specification. Claims 2, 20, and 22 have been canceled without prejudice or disclaimer. Claim 30 has been amended to change the units of area density from "g/cm²" to "g/m²". Support for this amendment can be found, for example, in Example 1 on page 24, lines 5 and 16-17 of the specification (See Amendment filed June 3, 2002). Claims 1-3, 6-12, 15-19, 21, and 23-31 are pending and at issue.

Rejections under 35 U.S.C. § 112, second paragraph

Claim 30 stands rejected as indefinite. The examiner states that it is not clear what is meant by area density. Area density in claim 30 is understood by those skilled in the art to have its ordinary meaning, i.e. mass per unit of surface area (g/m²). Applicants request that this rejection be withdrawn.

Rejections under 35 U.S.C. §§ 102(b) and 103(a)

Claims 1, 2 6-12, 15-18, 20, 22-26, and 31 stand rejected as anticipated by, or in the alternative, rendered obvious over U.S. Patent No. 4, 594,283 (Ohigashi).

Claim 1 recites a laminate having a rigid layer with an apparent density of less than 0.15 g/cm³ and a bulky layer with an apparent density of less than 0.08 g/cm³. The laminate is both light weight and rigid (see, e.g., page 2 last line). Ohigashi does not disclose or suggest such a light weight or rigid laminate.

Instead, Ohigashi discloses a shoe-making laminate having at least two webs. The first web has apparent densities of 0.2 g/cm³ (Example 1), 0.35 g/cm³ (Example 2), and 0.3 g/cm³ (Example 3).

The second layer has an apparent density of greater than 0.3 g/cm³. For instance, the core layer in Example 1 is 0.4 g/cm³, 0.9 g/cm³ in Example 2, and 1.0 g/cm³ in Example 3.

The apparent densities of the two webs in Ohigashi are greater than the apparent densities of the layers of the presently claimed laminate. Ohigashi's higher densities are important to provide shoe insoles. Ohigashi does not disclose or suggest layers having the apparent densities recited in amended claim 1.

Ohigashi also does not disclose or suggest two layers having a difference in apparent densities of 0.14 g/cm³ or less. Ohigashi teaches that the differences in the apparent densities of the two layers is "necessary for the material to have a soft layer and a hard layer" (Ohigashi, col. 3, lines 3-4). The hard layer should "exhibit stiffness and shape-keeping performance" (col. 4, lines 18-19), whereas the soft layer should provide "cushioning properties" (col. 1, lines 53-54). Thus, Ohigashi teaches that the preferred difference in apparent densities of the hard layer and the soft layer is more than 0.3 g/cm³ (col. 3, lines 4-6). Furthermore, Ohigashi does not exemplify a fabric-laminate wherein the difference between the apparent density of the rigid layer and the apparent density of the bulky layer is 0.14 g/cm³ or less, as recited in claim 1. The laminates in Examples 1-3 of Ohigashi have differences of 0.2 g/cm³, 0.55 g/cm³ and 0.7 g/cm³, respectively.

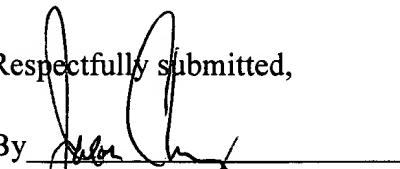
Therefore Ohigashi teaches away from a difference in apparent density of 0.14 g/cm³ or less.

For the foregoing reasons, Ohigashi does not render obvious the presently claimed invention. Accordingly, applicant requests that the anticipation/obviousness rejection over Ohigashi be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: November 5, 2004

Respectfully submitted,

By 

Jason C. Chumney

Registration No.: 54,781

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 753-6237 (Fax)

Attorneys/Agents For Applicant